

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MIGUEL GALINDO SIFUENTES,

Petitioner,

vs.

P. BRAZELTON, Warden,

Respondent.

No. C 09-2902 PJH

**ORDER RE REQUEST FOR
LEAVE TO FILE FOURTH
AMENDED PETITION**

This is a habeas corpus case originally filed pro se by a state prisoner pursuant to 28 U.S.C. § 2254. On August 10, 2012, two days after the court denied petitioner's request to file a fourth amended petition, petitioner retained counsel. Currently before the court is petitioner's stipulated request for leave to file a fourth amended petition. At the outset, the court notes that petitioner failed to e-file the stipulation and proposed order. As petitioner now has counsel, counsel is required to e-file all future filings associated with this case.

In its August 8, 2012 order, the court denied petitioner's request to file a fourth amended petition because petitioner failed to provide the court with the proposed petition. Given that petitioner's prior petitions, including the third amended (and operative) petition, were prepared pro se and are not models of clarity, the court agrees that it is appropriate for petitioner be provided an opportunity to file a fourth amended petition with the assistance of counsel, which should set forth his claims clearly and concisely. Accordingly, the court GRANTS petitioner's request to file a fourth amended petition **no later than**

1 **November 1, 2012.** Respondent's answer is due no later than **December 3, 2012,**
2 and petitioner's traverse is due no later than **January 2, 2013.**

3 **IT IS SO ORDERED.**

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5 Dated: August 21, 2012



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PHYLLIS J. HAMILTON
United States District Judge
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